

Ordinance #

AN ORDINANCE ESTABLISHING THE MADISON COUNTY DEPARTMENT OF EMERGENCY MANAGEMENT & OFFICE OF HOMELAND SECURITY AND OTHER RELATED MATTERS CONCERNING THE EXERCISE OF EMERGENCY POWERS

At all times when the orders, rules, and regulations made and promulgated pursuant to this ordinance shall be in effect, they supersede all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith.

BE IT ORDAINED THAT a new ordinance be added to the Madison County Code. The attached Exhibit A, Sections 1 through 4, containing the substantive provisions of this Ordinance is incorporated into said Code as part of this Ordinance.

All ordinances or parts of ordinances in conflict with provisions of this Ordinance are hereby repealed.

Should any Section, Paragraph, clause or phrase of this ordinance be declared unconstitutional or invalid the remainder of said Ordinance shall continue in full force and effect.

Adopted by the Madison County Board of Commissioners, State of Indiana on the day of _____, _____: effective upon passage.

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Section 1: PURPOSE

To establish in Madison County a Department of Emergency Management & Office of Homeland Security and to provide for the exercise of necessary powers during disaster emergencies.

Section 2: COUNTY EMERGENCY MANAGEMENT PROGRAM; DEFINITIONS AND GENERAL PROVISIONS**A. Definitions**

As used in this chapter hereinafter the following words and terms have the meaning indicated.

1. "County Commissioners Appointed Rep" means the Madison County Commissioners Appointed Representative as established under this Chapter, pursuant to Indiana Code 10-14-3-17.
2. "Board" means the Board of County Commissioners, as elected pursuant to Indiana Code 36-2-2.
3. "President" means the President of the Madison County Commissioners Appointed Rep as established under this Chapter, pursuant to Indiana Code 10-14-3-17.
4. "County" means Madison County.
5. "Department" means the County Department of Emergency Management & Office of Homeland Security as established under this Chapter, pursuant to Indiana Code 10-14-3-17.
6. "Executive Director" means the County Department of Emergency Management & Office of Homeland Security as established and appointed pursuant to this Ordinance in accordance with Indiana Code 10-14-3-17.
7. "Disaster" has the meaning established in Indiana Code 10-14-3-1; which at the time this Ordinance is adopted means:
 - a) An occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause.
 - b) The term includes the following:
 - 1.) Fire
 - 2.) Flood
 - 3.) Earthquake
 - 4.) Wind
 - 5.) Storm
 - 6.) Wave Action

- 7.) Oil, chemical or other hazardous material spill
- 8.) Other water contamination requiring emergency action to avert danger or damage.
- 9.) Air Contamination
- 10.) Drought
- 11.) Explosion
- 12.) Riot
- 13.) Hostile Military or Paramilitary Action

8. "Emergency Management" has the meaning established in Indiana Code 10-14-3-2; which at the time this Ordinance is adopted means the preparation for and the coordination of all emergency functions, other than functions for which military forces or other federal agencies are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters. The functions include the following:

- 1.) Firefighting Services
- 2.) Police Services
- 3.) Medical and Health Services
- 4.) Rescue
- 5.) Engineering
- 6.) Warning Services
- 7.) Communications
- 8.) Radiological, chemical, and other special weapons defense
- 9.) Evacuation of person from stricken areas
- 10.) Emergency welfare Services
- 11.) Emergency Transportation
- 12.) Plant Protection
- 13.) Temporary Restoration of Public Utility Services
- 14.) Other functions related to Civilian Protection
- 15.) All other activities necessary or incidental to the preparation for and coordination of the functions described in subdivisions (1) through (14)

9. **“Emergency Management Volunteer”** include any persons who serve without compensation in the Department of Emergency Management & Office of Homeland Security, being first duly given the Loyalty Oath mandated by Indiana Code 10-14-3-27, rostered and appointed by the Executive Director, and private agencies or governmental units offering services to the county during emergency situations or mutual aid to other emergency services who request assistance. Assistance from the Emergency Management Agency may be rendered without a declaration of an emergency in order to assist local emergency services in time of need.

10. **“Participating Emergency Services”** means:

- a) Any county department or agency designated in the emergency operations plan to participate in emergency management activities, and
- b) Any department or agency of the state, another county, a municipal corporation, or a volunteer organization designated to participate in the county’s emergency management programs and activities pursuant to Indiana Code 10-14-3-17.
- c) Non-governmental Organization

11. **“Personnel”** means county officers, employees, and emergency management volunteers, unless otherwise indicated

12. **“Plan”** or **“Emergency Plan”** means the current local Comprehensive Emergency Management Plan whose preparation and updating are mandated by Indiana code 10-14-3-17 (h).

13. **“Principal Executive Officer”** of the County as referred to in Indiana Code 10-14-3-29 (a) for purposes of declaring a local disaster emergency, and as referred to hereinafter, means the County Board of Commissioners established under Indiana Code 36-2-2. If a quorum of the County Board of Commissioners (two of the three Commissioners) is unavailable or is incapacitated, then the following establishes the line of succession for the Principal Executive Officer:

- a) Regularly Designated President of the County Board of Commissioners
- b) Any Available Regularly Elected Commissioner
- c) Remaining Regularly Elected Commissioner
- d) Executive Director of Emergency Management & Office of Homeland Security
- e) Sherriff of Madison County, Indiana

14. **“IDHS”** means the Indiana Department of Homeland Security established under Indiana Code 10-14-2-1 and SB 56.

15. **“Natural Disaster”** shall mean any condition seriously affecting or threatening public health, welfare, or security as a result of severe fire, explosion, flood, tornado, hurricane, hazardous material incidents, or similar natural or accidental cause, and which is beyond the control or relief of such conditions. Riots, strikes, insurrections, or other civil disturbances shall not be included within the meaning of “Natural Disaster”.

16. **“Emergency”** shall mean a condition resulting from enemy attack or other hostile action, or from natural disaster, or from man-made disasters, which cannot be handled by normal operating personnel or facilities.

B. General Scope and Intent: Liberal Construction of Powers

The general Intent of this Ordinance is to provide for all necessary and indispensable powers and procedures reasonably needed to mitigate, prepare for, respond to, and recover from emergency conditions. To this end, all powers, both ministerial and discretionary, as conferred herein shall be liberally construed to supplement and augment, not to limit, any other powers or reasonable exercise of discretion which may ordinarily pertain to county officers, employees, departments, and agencies.

C. Limitations Nonsupersession of Emergency Powers of County Sheriff

Nothing in this ordinance is intended to supersede or delimit any statutory powers of the County Sheriff.

D. Limitations Nonsupersession of Emergency Management Powers of Political Subdivisions; Conformance of Political Subdivision Emergency Management Rules and Regulations with County’s Emergency Management Program and Emergency Plan.

Nothing in this Ordinance is intended to supersede or delimit the powers granted under Indiana Code 10-14-3-17 to any political subdivision to adopt and implement emergency plans and promulgate and enforce emergency management rules and regulations in advent of an actual emergency affecting such political subdivision. However, pursuant to Indiana Code 10-14-3-22, such regulations and procedures as promulgated by the political subdivision may not be inconsistent with the County Emergency Management Program and Emergency Plan established in accordance with this ordinance

Section 3: COUNTY EMERGENCY MANAGEMENT ADVISORY COUNCIL; COUNTY EMERGENCY MANAGEMENT & OFFICE OF HOMELAND SECURITY EXECUTIVE DIRECTOR; ORGANIZATION AND ADMINISTRATION OF DEPARTMENT OF EMERGENCY MANAGEMENT & OFFICE OF HOMELAND SECURITY

A. County Emergency Management Advisory Council: Establishment

The County Emergency Management Advisory Council is established by Indiana Code 10-14-3-17 and under this statute consists of the following individuals or their designees should represent, at a minimum, the following organizations:

1. The president of the Board of County Commissioners or, if the Board of County commissioners does not have a president, a member of the Board of county Commissioners appointed from the membership of the Board of County commissioners.

2. The president of the County Fiscal body.
3. Representatives of such private and public agencies or organizations that can be of assistance to emergency management, or as may be added from time to time by the County Board of Commissioners. The Board of Commissioners shall appoint these representatives
 - a) The mayor from one city located in the County.
 - b) One Town President
 - c) Madison County Firefighters Association.
 - d) Madison County ESF 8
 - e) Community Service groups
 - f) News Media
 - g) Public School Administration
 - h) Legal Profession
 - i) Transportation
 - j) Owners and operators of facilities handling hazardous materials
6. The Advisory Council members will elect a President and Vice President annually. The President shall appoint a recording secretary.
7. The Advisory Council shall meet at least once yearly.
8. The Advisory Council shall have a minimum of 3 members.

B. County Board of Commissioners: Power and Duties

The Powers and Duties of the County Board of Commissioners are established by Indiana Code 10-14-3-17(d) and under this statute consist of the following:

1. The Board of Commissioners shall exercise general supervision and control over the emergency management and disaster program of the County.
2. Removal or termination of the Director:
 - a) The Board of County Commissioners may terminate the Executive Director at any time for cause in accordance with the provisions of the Madison County Personnel Policy.

C. Advisory Council: Duties

Members of the Advisory Council shall serve at the pleasure of the appointing authority. The Advisory Council shall exercise general advisory over the Emergency Management program in the County.

1. The Advisory Council shall have a select a Chairman, Vice-Chairman, and Recording Secretary.
2. The Advisory Council shall meet at least once a year.

3. They may make recommendations for additional members to the Board of County Commissioners for final approval.

D. Executive Director of Emergency Management & Office of Homeland Security: General Powers and Duties

The Executive Director, subject to the direction and control of the Board of Commissioners, shall be executive head of the Department, and pursuant to Indiana Code 10-14-3-17(d)(2)(A) has direct responsibility for the organization, administration, and operation of the Department, including the following specific powers and duties:

1. The executive director, pursuant to Indiana Code 10-14-3-17(d)(2)(B), is responsible to the President of the Board of Commissioners, and as such shall keep the President fully informed on emergency management activities and shall provide such reports to the Board of Commissioners if so directed by the President of the Commissioners.
2. Keep the Board fully informed on emergency management activities.
3. Submit to the County Commissioners and a yearly report on the County's comprehensive emergency management, including mitigation, preparedness, response, and recovery taken in the previous year and planned and recommended for the year to come.
4. Assure that all of the duties and responsibilities of the Emergency Management Agency are completed.
5. Assure that all county employees and rostered volunteers with responsibilities as part of the Comprehensive Emergency Management Plan receive training in the functions that are to perform under the plan.
6. The Director shall coordinate, within Madison County, all activities for Emergency Management and disaster control, and shall maintain liaison and cooperate with all other interested and affected agencies, public and private.
7. Design and conduct exercises of the Comprehensive Emergency Management Plan, as required by the IDHS.
8. Assure that the Comprehensive Emergency Management Plan addresses all hazards and include all cities, towns, and other population centers within the county.
9. Submit to IDHS the assessment specified in IDHS' required format and within IDHS' required time frame for submission.
10. Provide to the IDHS Executive Director annual reports and documentation as mandated.
11. Competently manage the department's various functions, including financial, personnel, and logistic.
12. Timely obey to the directives of superior state authorities.
13. Assure that the activities of the Department, at all times, comport with Indiana Code 10-14-3 and other applicable statutes, rules and County Ordinances.

14. Develop an emergency operations center (“EOC”) as a site from which key officials can direct and control operations during a disaster or emergency.
15. Attend, and attain passing grades in, such emergency management training as may be required by IDHS.
16. Assure the Deputy Director’s attendance at, and passing grades in, the Emergency Management Professional Development series for Emergency Management presented by the Public Safety Training Institute within four (4) years of first assuming the position of Deputy Executive Director and, attain at least Basic level certification under IDHS’ Professional Emergency Manager (PEM) Program.
17. Assure the Deputy Director’s and all paid emergency management staff’s attendance at, and passing grades in such emergency management training as may be required by IDHS.
18. Assure ongoing attendance by the Director, the Deputy Executive Director and all paid emergency management staff and further emergency management courses presented by the Public Safety Training Institute to assure continued knowledge of the latest information on emergency management.
19. Assume and secure responsibility for public relations, information and education regarding all phases of emergency management.
20. Assure coordination within the County of all activities for emergency management.
21. Maintain liaison and coordinate with all other affected agencies, public, private, and non-governmental organizations.
22. Coordinate the recruitment and training for volunteer personnel and agencies to augment the personnel and facilities of the county for emergency management purposes.
23. Seek, negotiate, and enter into (with the approval or ratification of the County Commissioners and consistent with the State Emergency Operations Plan and Program) Mutual Aid arrangements with other public and private agencies for emergency management purposes, and taking all steps in accordance with such arrangement to comply with or take advantage thereof in the event of an actual emergency affecting the parties.
24. Accept any offer of the Federal Government to provide for the use of the County any services, equipment, supplies, materials, or funds for emergency management purposes by way of gift, grant, or loan when the governor has approved such offer.
25. Competently administer FEMA, IDHS, Homeland Security, mitigation, and other grant programs that may be applied for or provided to the county for purposes of enhancing the County’s Emergency Management Program including: preparation and submittal of grant application, direction and completion of deliverable projects, accounting for grant funds, maintenance of appropriate and required records, documentation and preparation, and submittal or requested audit or other required reports.
26. Subject to all applicable statutes and the rules promulgated by the Indiana Department of Local Government Finance, the Executive Director may seek and accept from any person, firm,

or corporation, any gratuitous offers to provide services, equipment, supplies, materials, funds, or licenses or privileges to use real estate or other premises, to the County for emergency management purposes.

27. Issue proper insignia and papers to emergency management workers and other people directly concerned with emergency management.

28. Assure that all volunteers meet the criteria set forth in this Ordinance prior to accepting them as members of the Department.

29. Assure the implementation and integration of the National Incident Management System (NIMS) and Incident Command System (ICS) as applicable to the Comprehensive Emergency Management Plan, Emergency Operations Center (EOC) operations, Staff Officers, Primary Coordinating Agencies, department volunteer staff responsibilities, and other department areas as appropriate.

30. Attend, participate in and represent the Department and the County's Emergency Management interests in state, regional, or district meetings, regional and district emergency planning functions, regional or district grant programs and other appropriate state, regional or district emergency management functions.

31. Direct the reasonable and necessary assistance of the Department in assisting other local emergency services, public offices or private organizations, with or without a local declaration of emergency. Respond to and assist emergency management organizations in neighboring counties and counties within the same planning district as Madison County, or at the request of IDHS, with or without a local declaration of emergency, when such assistance is requested and Madison County is not threatened or impacted by a disaster incident.

32. Establish various working committees, work groups, task forces, planning groups, or other committees, with the advice of the Board of Commissioners, as recommended or necessary for carrying out the duties and responsibilities of emergency management for the county.

33. Make rapid and accurate assessment of:

- a) Property damage;
- b) Personal injuries;
- c) Fatalities;
- d) Basic needs; and
- e) Special needs

As soon as an emergency or disaster declaration has been made. Coordinate and direct this information for use by local emergency response services and IDHS.

34. In addition to the power and duties expressly provided above, the Executive Director shall be construed to have all powers and duties of a local Emergency Management & Office of Homeland Security Executive Director as provided under Indiana Code 10-14-3. In particular, but not by limitation, the Executive Director, through the department, may perform or cause to

be performed with respect to the county, and function parallel or analogous to those performed on a statewide basis by IDHS under Indiana Code 10-14-3.

E. Department of Emergency Management & Office of Homeland Security: Establishment; Staffing; Oath; and Prohibition of Political Activity

1. There is hereby established a Department of Emergency Management & Office of Homeland Security within the executive branch of the County Government for the purpose of utilizing to the fullest extent possible the personnel and facilities of existing county departments and agencies to prepare for and meet any disaster as defined in this ordinance. The Executive Director of Emergency Management & Office of Homeland Security shall be responsible for its organization, administration and operation.
2. The Department shall consist of the following:
 - a) The paid staff of the Department shall consist of the Executive Director of Emergency Management & Office of Homeland Security and such deputies, clerical help and other personnel as deemed necessary and provided by the County Council. The Executive Director may appoint such deputies, clerical help, and other personnel in accordance with the Comprehensive Emergency Management Plan and as approved by the Board of Commissioners.
 - b) Emergency Management & Office of Homeland Security Volunteers, as deemed necessary and appointed by the Executive Director. In addition to the other requirements in this Section, the Executive Director shall ensure that all volunteer personnel meet the following qualifications before being placed on the roster as a member of the Department:
 - i.) Be at least eighteen (18) years of age or older;
 - ii.) Not be convicted of a felony; and
 - iii.) Have completed and have on file with the Department an application form.
 - iv.) Attend and attain passing grades in emergency management training that may be required by Madison County Emergency Management
 - c) The employees, equipment, and facilities of all county departments and agencies suitable for, adaptable to, Emergency Management and designated by the Comprehensive Emergency Management Plan to participate in emergency management activity.
 - d) Emergency Operations Center staff (volunteers or re-assigned employees) as designated by the Comprehensive Emergency Management Plan to participate in Emergency Management activity.

e) Emergency Management Agency & Office of Homeland Security Cadets, as deemed necessary and appointed by the Executive Director. In addition to the other requirements in this section, the Executive Director shall ensure that all cadets meet the following qualifications before being placed on the cadet roster.

- i.) Be at least fifteen (15) years old.
- ii.) Not be convicted of a felony; and
- iii.) Have completed and have on file with the Department an application form.
- iv.) A signed by parent/guardian release form

-Cadets will be prepared for EMA awareness and prepped for volunteer work when they become of age. Cadets will not be involved in any field work. Their duties will only include:

-Participating in Training/Exercise activities

3. Pursuant to Indiana code 10-14-3-27(a), no person shall be employed or associated in any capacity in any emergency management organization established under this Ordinance who:

- a) Advocated a change by force or violence in the constitutional form of government of the United States or the overthrow of any government in the United States by force or violence; or
- b) Has been convicted of or is under indictment or information charging any subversive act against the United States.

4. Pursuant to Indiana Code 10-14-3-27(b), each individual who is appointed to serve in an organization for Emergency Management & Office of Homeland Security shall, before entering upon the individual's duties, take a Loyalty Oath, in writing, before a person authorized to administer oaths in Indiana.

a) The Loyalty Oath shall be substantially as follows:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Indiana against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocated, the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am a member of the County Department of Emergency Management & Office of Homeland Security will not advocate nor become a member of any political party or organization that advocated the overthrow of the government of the United States or of this state by force or violence."

b) In accordance with Indiana Code 10-14-3-27(c), the Executive Director of the IDHS and the County Emergency Management & Office of Homeland Security Executive Director may administer this Loyalty Oath and may delegate the authority to administer the Loyalty Oath to designated deputies and assistants approved by the Executive Director of the IDHS.

5. Pursuant to Indiana Code 10-14-3-26, the Department shall not;

a) Participate in any form of political activity; or

b) Be employed directly or indirectly for political purposes.

6. The County Council shall not have any power of approval over particular candidates for any position, but the County Council shall have general statutory powers to determine the numbers of officers, deputies, and employees of county departments, classify positions, and adopt schedules of compensation pursuant to Indiana Code 36-2-5-3(a). Notwithstanding any other provision of this Ordinance, with the exception of the Executive Director, and compensated position may not be established within the Department of Emergency Management & Office of Homeland Security nor shall any person be appointed to such position without authorization and sufficient funding from the County Council.

F. Department of Emergency Management & Office of Homeland Security: Duties

The Department, subject to the direction and control of the Executive Director, shall prepare and implement the Comprehensive Emergency Management Plan, including the following specific duties:

1. Prepare and distribute to all appropriate officials a clear and complete written statement of the emergency responsibilities of all local agencies and officials and the disaster chain of command in accordance with Indiana Code 10-14-3-17(i).
2. Work closely with officers and employees of incorporated and unincorporated areas of the County to develop a hazard mitigation program to eliminate or reduce hazards.
3. Executive Director of Emergency Management will have authority to set travel advisories. The Executive Director may consult with the County Commissioners, Sheriff's Department, and Highway department to ensure the best advisory to set. These Advisories and levels are stated by the state.
4. Write and implement the Comprehensive Emergency Management Plan, which shall conform to the guidelines contained in the most current state and federal guidance documents, including requirements to adopt and utilize the National Incident Management System and the requirements established in this Ordinance. As part of the preparation of this plan, the Department shall:
 - a) Identify and analyze the effects of hazards that threaten the County.
 - b) Inventory manpower and material resources from governmental and private sector sources that would be available in a disaster or emergency.
 - c) Establish a system to alert key officials in event of a disaster or emergency.
 - d) Identify resource deficiencies and work with appropriate officials on measures to correct them.
 - e) Back-up emergency communications system, thus assuring proper functioning of emergency communications throughout the county, including all cities and towns.
 - f) Take all actions necessary to ensure the continuity of government procedures and systems in the event of a disaster.
 - g) Establish and maintain a shelter and reception and care system for both people and animals.
 - h) Develop a training program for emergency response personnel ensuring that mitigation, training, and exercising have been performed for all such personnel.
 - i) Coordinate with industry to develop and maintain industrial emergency plans and capabilities in support of the Comprehensive Emergency Management Plan.
5. Update the Comprehensive Emergency Management Plan as needed to keep it current, as required by Indiana code 10-14-3-17(h).
6. Develop a program to test and exercise the Emergency Plan.

G. Department of Emergency Management: Budget and Finance

1. The County Council shall appropriate such funds, as it may deem necessary for the purpose of emergency management.
2. All funds appropriated or otherwise available to the Department of Emergency Management & Office of Homeland Security shall be administered by the Director.

H. Comprehensive Emergency Management Plan: Formulation; content and Adoption

1. A County Comprehensive Emergency Management Plan, referred to as the inter-jurisdictional disaster emergency plan by Indiana Code 10-14-3-17(h), shall be adopted by resolution of the County Board of Commissioners. In the preparation of this Plan, as it pertains to county organization, it is the intent that the services, equipment, facilities, and personnel of all existing departments and agencies shall be utilized to the fullest extent possible.

2. The Comprehensive Emergency Management Plan shall include, at minimum, the following:

a) Section 1 Introduction

- i.) Mission
- ii.) Purpose
- iii.) Scope
- iv.) Situation and Assumptions
- v.) Organization
- vi.) Limitations

b) Section 2 Authorities:

- i.) Federal
- ii.) State
- iii.) Local

c) Section 3 Concept of Operations:

- i.) General
- ii.) Incident Management and the National Incident Management System
- iii.) Multi Agency Coordination
- iv.) Public Information
- v.) Continuity Planning
- vi.) Emergency Management Phase- General Activities

d) Section 4 Financial Management and Administration:

- i.) Introduction

- ii.) Responsibilities
- iii.) Financial Records and Supporting Documentation
- iv.) Guidance for Financial Operations

e) Section 5 Plan Maintenance:

- i.) General
- ii.) Responsibilities
- iii.) Frequency
- iv.) Testing, Evaluation and Assessment, and Correction Actions

f) Section 6 Emergency Support Function Annexes:

- i.) Emergency Support Functions

Appendix A ESF 1 Transportation

Appendix B ESF 2- Communications

Appendix C ESF 3- Public Works and Engineering

Appendix D ESF 4- Firefighting and Emergency Medical Services

Appendix E ESF 5- Emergency Management

Appendix F ESF 6- Mass Care

Appendix G ESF 7- Resource Support

Appendix H ESF 8- Health and Medical

Appendix I ESF 9- Search and Rescue

Appendix J ESF 10- Hazardous Materials

Appendix K ESF 11- Agriculture and Natural Resources

Appendix L ESF 12- Energy

Appendix M ESF 13- Public Safety and Security

Appendix N ESF 14- Long-Term Recovery

Appendix O ESF 15- External Affairs (Public Information)

3. In addition, all Emergency Support Function coordinating agencies, emergency service organizations, and supporting agencies within the county shall:

- a) Develop Standard Operating Procedures, Standard Operating Guides and checklists that are drafted subject to the requirements of the Comprehensive Emergency Management Plan;

- b) Coordinate Standard Operating Procedures, Standard Operating Guides and checklists with the Department of Emergency Management;
- c) Assure inclusion of the Standard Operating Procedures, Standard Operating Guides and checklists within the County Comprehensive Emergency Management Plan;
- d) Adopt, implement, utilize and train personnel in accordance with the National Incident Management System (NIMS) and it's incorporated Incident Command System (ICS) as developed and implemented by the United States Department of Homeland Security for responding to, managing, and coordinating multiple agency or multiple jurisdiction incidents, emergencies and disasters whether single or multiple discipline
- e) Perform the functions and duties assigned by the County Comprehensive Emergency Management Plan;
- f) Maintain their portion of the Comprehensive Emergency Management Plan in a current state of readiness at all times

I. Jurisdiction: Department of Emergency Management; County Comprehensive Emergency Management Plan; and Political Subdivisions

1. Except as provided by Sections 2.C. and 2.D., the jurisdiction of the County Department of Emergency Management & Office of Homeland Security shall be comprehensive and inclusive Countywide and effective in both the incorporated and unincorporated areas of the County.
2. The jurisdiction and applicability of the County Comprehensive Emergency Management Plan, as adopted pursuant to Section 3.G, and the exercise of any powers of the Principal Executive Officer of the County and of the County Board of Commissioners under Section 4, shall be comprehensive and inclusive Countywide and effective in both the incorporated and unincorporated areas of the County.
3. All political subdivisions in the County shall:
 - a) If they develop a plan consistent with the requirements of the County Comprehensive Emergency Management Plan;
 - i.) Ensure that the plan is consistent with the requirements of the County Comprehensive Emergency Management Plan;
 - ii.) Coordinate the development of the plan with the Department of Emergency Management;
 - iii.) Ensure inclusion of the plan within the County Comprehensive Emergency Management Plan
 - b) Perform the function and duties assigned by the County Comprehensive Emergency Management Plan

- c) Maintain their Portion of the Comprehensive Emergency Management Plan in a current state of readiness at all times.

J. Tests of the Comprehensive Emergency Management Plan; Other Emergency Tests

1. Tests of the Comprehensive Emergency Management Plan may be conducted at any time with or without prior notification to person other than the director
2. All emergency tests conducted within the boundaries of the County shall be coordinated with the Department

K. County Board of Commissioners: General Administrative Powers and Duties

In time of normal county operations, powers and duties of the County Commissioners pertaining to emergency management shall be:

1. Maintaining general supervision over the planning and administration for the department;
2. Adopting the Comprehensive Emergency Management Plan;
3. Coordinating Emergency Management Activities consistent with the Comprehensive Emergency Management Plan;
4. Making assignment of county personnel to Emergency Management activities consistent with the Comprehensive Emergency Management Plan;
5. Making assignments of County personnel to emergency management duties in order to meet situations not covered in the normal duties and powers of such agencies consistent with the Comprehensive Emergency Management Plan;
6. Taking all necessary action in coordination with the Department to conduct tests of the Comprehensive Emergency Management Plan; and
7. Educating themselves as to their responsibilities under the Comprehensive Emergency Plan.

Section 4: County Emergency Management Program: Emergency Powers, Regulations and Procedures

A. Applicability of Section

This section shall apply whenever:

1. The Governor, pursuant to Indiana Code 10-14-3-12 has declared a disaster emergency affecting all or part of the county.
2. The Principal executive officer of the County, pursuant to Indiana Code 10-14-3-29(a) and Section 4.C. hereof, is preparing to, or has declared a local disaster emergency affecting all or part of the County.
3. The county Board of Commissioners has implemented a test of the County's Comprehensive Emergency Management Plan and procedures in accordance with and to the extent necessary or dispensable to such test.

B. Special Emergency Powers and Duties of Principal Executive Officer: Declaration of Local Disaster Emergency

1. In the event of an actual threatened disaster emergency affecting the County, if feasible, the Principal Executive Officer of the County shall seek the advice and input of the Executive Director as to the advisability of declaring a local disaster emergency.
2. If the County Board of Commissioners, acting as the Principal Executive Officer of the County, is the entity declaring the local disaster emergency, then the statutory requirements contained in Indiana Code 36-2-2-8 and Indiana Code 5-14-1.5-5(d) regarding special and emergency meetings of the County Board of Commissioner must be met.
3. The principal Executive officer of the County may, in the event of an actual or threatened disaster emergency affecting the County Declare a local disaster emergency, pursuant to Indiana Code 10-14-3-29(a). This declaration shall:
 - a) Be in writing
 - b) State the nature of the disaster.
 - c) State the conditions that have brought the disaster about.
 - d) State the area or areas threatened
 - e) State the area or areas to which the local disaster emergency declaration applies (this may include the entire County or only designated parts thereof).
 - f) State the effective period of the local disaster emergency declaration. The disaster declaration shall not be continued or renewed for a period in excess of seven (7) days except by or with the consent of the County Board of Commissioners.
4. The declaration of a local disaster emergency, as well as any continuation or termination of such declaration shall be:
 - a) Announced or disseminated to the general public by the best means available.
 - b) Filed promptly in the offices of the County Clerk, the County Auditor, and the Clerk of any incorporated municipality located in the declared disaster area.
5. The declaration shall not be invalidated or ineffective if any of the filing and dissemination requirements cannot be complied with due to the prevailing adverse circumstances.
6. Upon a declaration, the County's Comprehensive Emergency Management Plan or such component parts thereof as may be relevant to the emergency shall be activated and implemented.

C. County Board of Commissioners; Convention of Special Emergency Meeting

1. As allowed by Indiana Code 36-2-2-8(b) and Indiana Code 5-14-1.5-5(d), a special meeting of the County Board of Commissioners shall be called as soon as possible after the disaster emergency that affects the county has been declared, either by the Governor or by the Principal Executive Officer of the County, to perform their legislative and administrative functions as the situation may demand.

2. As required by Indiana Code 36-2-2-8(b) and Indiana Code 5-14-1.5-5(d), the following conditions must be met for this meeting:

- a) The notice for the meeting must include a specific statement of the purpose of the meeting.
- b) News media that have requested notice of meetings must be given the same notice as is given the members of the County Board of Commissioners.
- c) The public must be notified of this meeting by posting a copy of the notice at the principal office of the County Board of Commissioners, or if no such office exists, at the building where the meeting is to be held.
- d) The county Board of Commissioners may not conduct any business at this meeting that is unrelated to the disaster emergency declaration.
- e) All other requirements that are applicable to a meeting that is called to deal with an emergency.

3. In addition, such a meeting may:

- a) Be held in any convenient and available place.
- b) Continue without adjournment for the duration of the disaster emergency.
- c) Be recessed for reasonable periods of time as necessary and permitted by the circumstances.
- d) Principal Executive Officer: Special Emergency Powers and Duties

1. In the event that a disaster emergency has been declared that affects all or part of the County, and a quorum of the County Board of Commissioners cannot be assembled for purposes of the meeting needed under Section 4.C., the Principal Executive Officer of the County shall have, on an interim basis, all powers of the County Board of Commissioners and may take all such actions with respect to the disasters emergency declaration that the County Board of Commissioners would have been authorized to take.

2. When a quorum of the County Board of Commissioners is assembled, these interim powers of the principal Executive Officer of the County shall cease.

E. County Board of Commissioners: Special Emergency Powers and Duties

1. At the meeting convened under Section 4.C, the County Board of Commissioners may exercise any of their normal executive and legislative powers to the extent related to the emergency and necessary to deal therewith.

2. In addition to the powers enumerated in Section 4.E.1., the Board may also exercise any of the following special and extraordinary powers:

- a) The County Board of Commissioners may extend the period of a local disaster emergency declared by the Principal Executive Officer of the County, pursuant to Section 4.B., to last more than 7 days if necessary.
- b) The County Board of Commissioners may terminate the local disaster emergency.
- c) The County Board of Commissioners may assemble and utilize emergency management resources, including:
 - i.) Personnel of the Department of Emergency Management;
 - ii.) Participating emergency services; and
 - iii.) Any other resources at the disposal of the Commissioners hereunder for emergency Management purposes.
- d) The County Board of Commissioners may order volunteer forces which have been activated pursuant to the Comprehensive Emergency Management Plan to aid the county, state, or political subdivisions thereof as soon as practicable. These volunteer forces shall be under the direction of the Department of Emergency Management.
- e) In order to control the local disaster emergency and provide for public health, safety and welfare, the County Board of Commissioners may, to the extent permitted by Indiana Code 10-14-3-31 and subject to its provisions, command services and/or requisition the use of:
 - i.) Equipment;
 - ii.) Facilities;
 - iii.) Supplies; or
 - iv.) Other property.
- f) The Madison County Executive Director may order the evacuation of all or part of the population from stricken areas of the county, and prescribe:
 - i.) Routes;
 - ii.) Modes of transportation; and
 - iii.) Evacuation destinations.
- g) The County Board of Commissioners may make provision for availability and use of temporary emergency housing, which housing need not necessarily comply with any minimum housing standards, building or zoning regulations, etc., which would govern the use and location of premises for housing purposes during normal times.

h) Except in accordance with Section 4.E.2.i., the County Board of Commissioners shall not suspend any provisions of ordinances or procedures, which are mandated by statute.

i) In the event of a disaster emergency that has been declared by the Governor, the County Board of Commissioners, in accordance with Indiana Code 10-14-3-17(j)(5), may waive any procedures or requirements of statute, or of County Ordinances reflecting statutory requirements and mandates, pertaining to:

- i.) The performance of public works.
- ii.) The entering into contracts.
- iii.) The incurring of obligations.
- iv.) The employment of permanent and temporary workers.
- v.) The utilization of volunteer workers.
- vi.) The rental of equipment.
- vii.) The purchase and distribution of supplies, materials and facilities.
- viii.) The appropriation and expenditure of public funds.

j) The County Board of commissioners may assign any special emergency duties and function to county:

- i.) Offices;
- ii.) Departments; and Agencies.

k) Any unexpended and unencumbered monies budgeted and appropriated but not otherwise dedicated by law to different purposes may, within the scope of each major budget and appropriation category (major object classification), be utilized and expended for the purpose of carrying out such special emergency duties and functions.

l) Pursuant to Indiana Code 10-14-3-22, the County Board of Commissioners may make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes and to supplement the carrying out of the provisions of this Ordinance. Such orders, rules, and regulations:

- i.) Cannot be inconsistent with any orders, rules, or regulations promulgated by the Governor or by any State agency exercising a power delegated to it by the Governor.
- ii.) Cannot be inconsistent with the County's emergency management program or Emergency Plan.
- iii.) Shall have full force and effect of law when filed in the office of the County Clerk;

iv.) Are enforceable by any local or state law enforcing authority in accordance with Indiana Code 10-14-3-24.

m) The county Board of Commissioners may, in accordance with the Emergency Plan, request the State or the United States or their agencies and political subdivisions to send aid (including financial assistance) if the situation is beyond the control of the regular and emergency county forces and resources.

3. All actions taken by the county Board of Commissioners under this Section shall be:

a) Adopted by ordinance or resolution pursuant Indiana Code 10-14-3-22;

b) Consistent with, and subordinate to, any actions, orders, or regulations made by the Governor or a state agency implementing the State Comprehensive Emergency Management Plan.

F. County Officers and Employees: General Duties Concerning Emergency Management

1. All Office holders, department heads, and employees of the County shall cooperate with and give active support to the County commissioners and the Executive Director of Emergency Management & Office of Homeland Security in all emergency management functions and emergency response operations and, shall comply with all orders of the Commissioners and the Executive Director of Emergency Management issued pursuant to this Ordinance.

2. All office holders and department heads of the County shall develop, or cause to be developed, Continuity of Government (COG) (line of successions to department head, authorities of successors and protection of vital records) and, Continuity of Operations (COOP) (Contingency plan for maintaining operations when primary office location or facility is damaged or otherwise unusable) plans and supporting procedures to ensure the effective continued operation of the office and county government in disaster emergencies. The office holder or department head and the Executive Director of Emergency Management & Office of Homeland Security shall review all such plans and procedures at least annually.

3. Office holders and department heads of county departments assigned responsibilities as Emergency Support Function Coordinating Agencies or as Supporting Agencies under the County's Comprehensive Emergency Management Plan shall comply with the requirements detailed in Section 3. Paragraph G, 3 (a-f) of this Ordinance.

G. Officers and Employees of Incorporated and Unincorporated Areas of the County: General Duties Concerning Emergency Management

1. Office holders and department heads of incorporated and unincorporated areas of the County shall develop, or cause to be developed, Continuity of Government (COG) (line of succession to department head, authorities of successors and protection of vital records) and, Continuity of Operations (COOP) (contingency plan for maintain operations when primary office location or facility is damaged or otherwise unusable) plans and supporting procedures to ensure the effective continued operation of the office and local government in disaster emergencies. Office holders or department heads and the Executive Director of Emergency Management shall review all such plans and procedures at least annually.

2. Office holders and department heads of incorporated and unincorporated areas of the County assigned responsibilities as Emergency Support Function coordinating Agencies or as Supporting Agencies under the County's Comprehensive Emergency Management Plan shall comply with the requirements detailed in Section 3, paragraph G, 3 (a-f) of this Ordinance.

3. During a declared disaster emergency, all officers and employees of incorporated and unincorporated areas of the County shall:

a) Cooperate with and give active support to the County Board of Commissioners and the County Emergency Management Director.

b) Comply with all orders, rules and regulations issued pursuant to this Ordinance by the County Board of commissioners or the County Emergency Management Director.

H. County-Wide Mutual aid Agreement Program

The Indiana General Assembly, in Indiana Code 10-14-3-7, provided for coordination of activities related to disaster prevention, preparedness, response, recovery and authorized public agencies in this state to enter into mutual aid agreements.

1. A county-wide mutual aid agreement program is established, as follows: All County, township, city, and town governmental units within Madison County are considered to be participating units in the County-wide mutual aid agreement program. As used in this section, "unit" has the meaning set forth in IC 36-1-2-23. A unit may choose not to participate in the County-wide Mutual Aid Agreement Program if the unit:

a) Adopts and ordinance or a resolution declaring that the unit will not participate in the County-wide Mutual Aid Agreement Program; and

b) Provides a copy of the ordinance or resolution to the Department of Emergency Management & Office of Homeland Security.

2. Each participating unit shall establish an incident management system and a unified incident command system consistent with the National Incident Management System to be used in a response to a disaster or an emergency where mutual aid assistance may be requested.

3. A participating unit may request the assistance of at least one (1) other participating unit to:

a) Manage disaster or emergency response or recovery (including the conduct of necessary emergency operations); or

b) Conduct disaster or emergency response or recovery exercises, testing or training.

4. A request for assistance to a participating unit under subsection 4 shall be made by and to the executive of the unit or the executive's authorized representative. A request may be oral or in writing. An oral request shall be confirmed in writing not later than twenty-four (24) hours after the oral request is made.

5. A request must include the following information:

- a) A description of the disaster or emergency response or recovery function for which assistance is needed.
 - b) The amount and type of services, equipment, supplies, materials, personnel, and other resources needed and a reasonable estimate of the length of time they will be needed, an
 - c) The specific place and time for the staging of the assisting participating unit's provision of assistance and a point of contact at that location.
6. A participating unit that is requested to render assistance shall take the necessary action to provide and make available the requested services, equipment, supplies, materials, personnel, and other resources.
7. A participating unit's obligation to provide assistance is subject to the following restriction:
- a) A participating unit's request to receive assistance is effective only (1) upon the declaration of a local disaster emergency by the executive officer of the unit: or (2) upon the commencement of the training exercise, testing or training.
 - b) The assistance shall continue as long as (1) the state of emergency remains in effect and the loaned resources are required by the receiving participating unit or the loaned resources remain in the receiving participating unit; or (2) the exercise, testing, or training is in progress.
 - c) The participating unit rendering the assistance may withhold resources or recall loaned resources to the extent necessary to provide for the unit's own reasonable protection.
 - d) Emergency forces providing assistance shall continue under the command and control of their regular leaders, but operationally those forces shall be under the control of the incident commander or unified command designated by the requesting participating unit.
8. As provided in IC 10-14-3-10.7(f), Officers and employees of a participating unit rendering assistance to another participating unit shall be considered agents of the requesting unit for purposes of tort liability and immunity.
9. Each participating unit shall provide for the payment compensation and benefits to:
- a) An injured member; and
 - b) A representative of a deceased member;
- Of the participating unit's emergency forces if the member is injured or killed while rendering assistance under this section in the same manner and under the same terms as if the injury or death were sustained while the member was rendering assistance for or within the member's own unit. Expenses incurred under this subsection are not reimbursable under subsection 10.

10. A participating unit rendering assistance for disaster or emergency response recovery to another participating unit under this section shall be reimbursed by the participating unit receiving the assistance for the following:

- a) A loss of, damage to or expense incurred in the operation of any equipment in answering the request for assistance.
- b) An expense incurred in the provision of a service in answering the request for assistance.
- c) An expense incurred in answering the request for assistance.

11. Except as provided by an agreement entered into under subsection 11, the following labor and equipment reimbursement rates apply to reimbursement under subsection 10:

- a) The labor reimbursement rates are as follows:
 - i) The straight time costs of the labor force of the participating unit rendering assistance shall be reimbursed at the normal pay rates for the responding personnel.
 - ii.) The overtime costs of the labor force of the participating unit rendering assistance shall be reimbursed at one hundred fifty percent (150%) of the normal pay rates for the responding personnel if it is the normal practice of the requesting unit to pay these personnel overtime.
- b) The equipment reimbursement rates are the lesser of the following:
 - i.) The rate for equipment costs reimbursement established by the U.S. Department of Homeland Security's Federal Emergency Management Agency or its successor agency.
 - ii.) The equipment costs established by the participating unit rendering assistance.

12. At least two (2) participating units may enter into agreements establishing a different allocation of loss, damage, expense, or costs among themselves than that specified in subsections 10 and 11. Copies of such supplemental agreements shall be provided to the Department of Emergency Management.

13. This section does not prevent any participating unit from entering into a mutual aid or other agreement with another unit or affect any other agreement to which a unit is a party, including an agreement entered into under this section or IC 36-1-7.

I. Priority of Emergency Orders, Rules and Regulations

At all times when the orders, rules, and regulations made and promulgated according to this ordinance shall be in effect, they supersede all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith.

J. Noncompliance with Emergency Orders, Rules and Regulation: Obstruction or Impersonation of Emergency Management Authorities; Penalties and Enforcement

1. Whenever this Ordinance applies it shall be unlawful and a penal ordinance violation for any person to:
 - a) Willfully obstruct, hinder or delay the County Board of commissioners, the Executive Director of Emergency Management, participating emergency services, authorized emergency management volunteers or other authorities from implementing, carrying out, and enforcing the Emergency Plan; the County Sheriff may deputize the County Emergency Management Executive Director or his designate to enforce this ordinance.
 - b) Fail to observe, abide by, and comply with any emergency management duties, orders, regulations, and procedures as made applicable to such person by the appropriate authorities; or
 - c) Falsely wear or carry identification as a member of the County Department of Emergency Management & Office of Homeland Security or to otherwise falsely identify or purport to be a County emergency management authority.
2. Any person who commits an offense as described above shall be liable to a fine of \$2,500.00; such fine to be subject, however, to the discretion of the court of competent jurisdiction.
3. Any regular or reserved police officer of Indiana or any of its political subdivisions is hereby empowered to issue and serve a civil citation against any person found to be committing an offense described above.

K. Limitation of Liability during Disaster Emergency or Emergency or Emergency Management Tests

During an emergency management test or declared disaster emergency, the County, the County's assigned personnel, participating emergency services, and roistered emergency management volunteers shall be immune from liability to the full extent provided by Indiana Code 10-14-3 and any other applicable law.

L. Compensation for Property Commandeered or Used During Disaster Emergency

Pursuant to Indiana Code 10-14-3-31, compensation for property shall be paid only if the property was commandeered or otherwise used in coping with a disaster emergency and its use or destruction was ordered by the governor or a member of the disaster emergency forces of the state. Any person claiming compensation for the use, damage, loss, or destruction of such property shall make a claim for it. This claim shall be filed and adjudicated as provided in Indiana Code 1971, 32-11.

This Ordinance is adopted by the Board of Madison County Commissioners on this _____ day of _____, 1985.

The Board of County Commissioners
Of Madison County, Indiana

By _____
John Richwine

Steffanie Owens

Jeff Hardin

Attest

Jane Lyons

County Auditor of Madison County